

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JIN ACKERMAN,

Plaintiff,

v.

GITTERE, *et al.*,

Defendants.

Case No. 3:22-cv-00049-MMD-CSD

ORDER

On June 1, 2022, the Court issued an order screening *pro se* Plaintiff Jin Ackerman's complaint under § 1915A. (ECF No. 3.) The screening order found that the allegations in Ackerman's complaint were very similar to allegations in a previously filed and ongoing case. (*Id.* at 3-5.) The Court ordered Ackerman to show cause why this action should not be dismissed as duplicative. (*Id.* at 5.) Alternatively, the Court gave Ackerman the option of filing a motion to voluntarily dismiss this action and filing an amended complaint in the previously filed action. (*Id.*) Ackerman has now filed a motion for voluntary dismissal (ECF No. 4), stating that he will file an amended complaint in the previously filed action.

Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Fed. R. Civ. P. 41(a)(1)(A)(i). The Court grants Ackerman's motion to voluntarily dismiss this action because no responsive pleading has been filed in this case. Accordingly, the Court dismisses this action without prejudice.

For the foregoing reasons, it is ordered that Plaintiff Jin Ackerman's motion for voluntary dismissal (ECF No. 4) is granted.

1 The Clerk of Court is directed to send Ackerman a courtesy copy of his complaint
2 (ECF No. 1-1).


3 It is further ordered that Ackerman's application to proceed *in forma pauperis* (ECF
4 No. 1) is denied as moot.

5 It is further ordered that this action is dismissed in its entirety without prejudice.

6 The Clerk of Court is directed to enter judgment accordingly and close this case.

7 DATED THIS 16th Day of June 2022.

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MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE